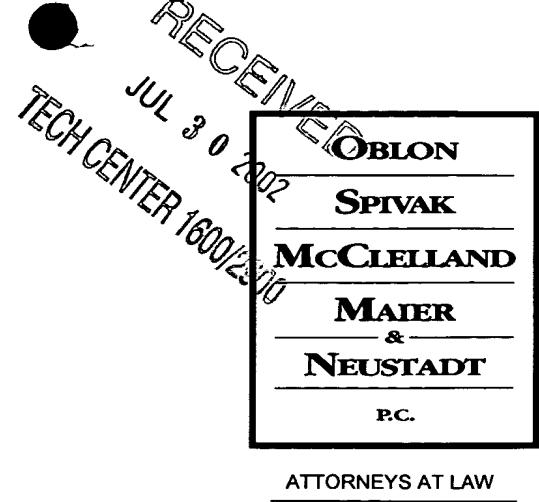


OI P. 100-1000  
JUL 24 2002  
PATENT & TRADEMARK OFFICE



Docket No.: 202048US0

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

RE: Application Serial No.: 09/761,782  
Applicants: Vitaliy A. LIVSHITS, et al.  
Filing Date: January 18, 2001  
For: MUTANT ILVH GENE AND METHOD FOR  
PRODUCING L-VALINE  
Group Art Unit: 1652  
Examiner: KERR

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO RESTRICTION REQUIREMENT**

Our check in the amount of is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :

Vitaliy Arkadyevich LIVSHITS, et al. : GROUP ART UNIT: 1652

SERIAL NO.: 09/761,782 :

FILED: JANUARY 18, 2001 : EXAMINER: KERR

FOR: MUTANT *ilvH* GENE AND METHOD FOR PRODUCING L-VALINE

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Responsive to the Official Action dated June 24, 2002, Applicants elect, with traverse, Group I, Claims 1-8, for further prosecution.

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-8, drawn to DNA encoding a mutant *E. coli* actohydroxyacid synthase isozyme III and a bacterium containing said DNA; and

Group II: Claim 9, drawn to methods of making valine.

Applicants elect, with traverse, Group I, Claims 1-8.

Applicants note that claims of Group II are directly dependent from the claims of Group I, as such these groups are not separable.

In regard to Groups I and II, the Office has characterized the relationship between these two groups as product and process of use. Citing MPEP §806.05(h), the Office concludes that the product can be used with a materially different process such as "in the recombinant production of the enzyme". However, the Office has not provided reasons

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